

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ROLAND J. HYMEL, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv651-LTS-RHW

UNITED STATES AUTOMOBILE ASSOCIATION (USAA)
AND JOHN DOES 1-10

DEFENDANTS

ORDER

On June 4, 2007, Defendant United States Automobile Association (USAA) filed a [4] Motion to Dismiss for Lack of Jurisdiction. Plaintiff has not filed a response to USAA's motion. Uniform Local Rule 7.2(c)(2) provides: "If a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed."

USAA's motion is aimed at the fact that it is an incorporated association and, therefore, is a citizen of any state in which it has members and is not diverse from its members. When a Mississippi plaintiff has been in this position, either remand or dismissal has occurred. *See, e.g., Lisanby v. USAA*, Civil Action No. 1:05cv660 (remand); *Denton v. USAA*, Civil Action No. 1:06cv621 (same); *Korndorffer v. USAA*, Civil Action No. 1:06cv633 (dismissal); *McIlwain v. USAA*, Civil Action No. 1:06cv577 (same). It appears that the only significant factual difference between the instant case and those cited is that Plaintiff here is a Louisiana resident. It is unclear whether this warrants a different conclusion from the results reached in the above cases.

Accordingly, **IT IS ORDERED:**

Plaintiff's counsel shall, within five (5) days of the date of this order, advise the Court of his position on Defendant's pending [4] motion; failure to so advise the Court or provide adequate support for said position shall result in the granting of the relief sought by Defendant, including dismissal of the [1] complaint.

SO ORDERED this the 25th day of June, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE